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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/800,088 | 03/12/2004 | Robert J. Longo | 11473/12252 | 8077 |

7590 .01/17/2006

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EXAMINER

REPKO, JASON MICHAEL

ART UNIT

PAPER NUMBER

2671

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/800,088 | Applicant(s) LONGO, ROBERT J. | |
| | Examiner Jason M. Repko | Art Unit 2671 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a switch as recited in claim 3, a trailer as recited in claim 4, and the “method of creating a movie animation of a vehicle” as recited in claims 5-10, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The uses of the trademarks MINOLTA, MACROMEDIA, MACROMEDIA FIREWORKS, NIKON and PENTAX have been noted in this application. These and any other trademarks the Applicant may be aware of should be capitalized wherever they appear and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.**

Patent Application Publication No. US 2002/0063714 to Haas et al (herein referred to as “Haas et al”).

5. With regard to claim 1, Haas et al discloses “a system for creating a movie animation of a vehicle, comprising: a. a turntable for a vehicle; b. a digital camera (*paragraph 0104*:

"Preferably, the automotive vehicle is placed on a turntable which rotates, and a series of individual snapshots, preferably using a stationary digital camera, are taken of the vehicle as it rotates step by step in sequence through 360 degrees."); and c. a computer program for creating

Art Unit: 2671

a movie animation from a series of photographs” (*Figure 2B shows “The sequenced images that are saved on the hard drive are now imported into the Flash application as a sequence of bitmaps (8-32 images)”*; paragraph 0040: “(a) creating within an authoring software program a first movie of the object in motion showing the exterior of the object,”).

6. With regard to claim 5, Haas et al discloses “a method of creating a movie animation of a vehicle (*Fig. 2A and 2B*), comprising:

- a. positioning a turntable for a vehicle; loading said vehicle on said turntable (*paragraph 0104: “Preferably, the automotive vehicle is placed on a turntable which rotates...”*);
- b. positioning a digital camera near said turntable directed toward said vehicle; turning said turntable continuously for one revolution , and simultaneously using said digital camera to take a series of photographs of said vehicle at timed intervals (*paragraph 0104: “... a series of individual snapshots, preferably using a stationary digital camera, are taken of the vehicle as it rotates step by step in sequence through 360 degrees.”*); and
- c. using a computer program to create a movie animation of said vehicle from said series of photographs (*Figure 2B shows “The sequenced images that are saved on the hard drive are now imported into the Flash application as a sequence of bitmaps (8-32 images)”*; paragraph 0040: “... (a) creating within an authoring software program a first movie of the object in motion showing the exterior of the object...”).

7. Haas et al does not use the explicit language “positioning a turntable and a digital camera”; however, one of ordinary skill in the art would recognize that this feature is inherent

from the statements in paragraph 0104. The Haas et al system would be inoperative if the turntable and digital camera were not “positioned” to take pictures of the vehicle.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 2, 3, 6, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haas et al in view of U.S. Patent Application Publication No. US 2001/0053284 to Shin et al (herein referred to as “Shin et al”).

11. With regard to claims 3 and 6, Haas et al discloses taking a series of photographs, but is silent with respect to the interval at which they are taken or the means that determines this interval.

12. Shin discloses that a camera has an “interval shooting mode”, and said camera has an “interval shooting mode, and further, wherein said interval shooting mode is set to take a series of photographs of said vehicle at timed intervals” (*paragraph 27: “Meanwhile, it is preferable*

Art Unit: 2671

that, according to a photographing timing signal at a predetermined time interval from the control unit 13, instead of the detecting signal input from the sensor, the photographing unit 12 photographs the object."

13. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate the timing control, as taught by Shin, in the method and system for acquiring images disclosed by Haas et al. The motivation for doing so would have been to obtain a set of images that were taken from evenly spaced positions around the vehicle so that the animation generated would not appear to skip as a result of gaps in the sequence. Therefore, it would have been obvious to combine Haas et al with Shin to obtain the invention specified in claims 3 and 6.

14. With regard to claim 7, Haas et al discloses taking 20 photographs of a vehicle (*paragraph 0104: "Typically, from 8 to 32 individual sequenced images are captured with the digital camera."*). Haas et al does not disclose the rate at which these images are acquired. Shin discloses the camera timing and the rate at which the turntable spins can be adjusted (*paragraph 0027: "At this time, by adjusting photographing timing signals generated in one second according to the time required for a rotation of the turning means 11, a plurality of plane images can be generated."*; *paragraph 0049: "Also preferably, a variable speed motor is adopted so as to adjust the rotation speed of the turntable 51."*).

15. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to further modify the method disclosed by Haas et al and Shin to acquire 20 images in one minute, and adjust the turntable to rotate a rate of one revolution per minute. The motivation for doing so would have been to restrict the size of the data set generated, while operating at a rate

Art Unit: 2671

within the physical limitations of the object/turntable system. Therefore, it would have been obvious to further modify the method disclosed by the combination of Haas et al and Shin to obtain the invention specified in claim 7.

16. With regard to claims 3 and 8, Haas et al discloses the limitations of parent claims 1 and 5, a turntable and camera, but does not disclose a turntable with a switch that triggers a camera. Shin discloses "said turntable includes a switch to trigger said camera to take at a series of photographs" (*Fig. 5B shows a turntable 51 connected to a control unit 53; paragraph 0042: "...a photographing unit 52 for photographing an object according to a predetermined photographing timing signal; a control unit 53 for making the photographing unit photograph the object by generating a photographing timing signal according to the output signal of the sensor or at each predetermined time interval..."*).

17. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate a switch that triggers the camera into the turntable, as disclosed by Shin, in the camera turntable system disclosed by Haas et al. The motivation for doing so would have been to make the system easier to use by coordinating the turntable and camera operation and automating image acquisition process. Therefore, it would have been obvious to further modify the method disclosed by the combination of Haas et al and Shin to obtain the invention specified in claims 3 and 8.

18. **Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haas et al in view of U.S. Patent No. 4,110,792 to Long (herein referred to as "Long").**

19. With regard to claims 4 and 10, Haas et al discloses a system and method comprising a camera and turntable capable of creating a movie of a vehicle as shown in the rejection of parent

Art Unit: 2671

claims 1 and 5. Haas et al is silent with respect to a turntable on a trailer. Long et al teaches mounting a turntable on a trailer (*lines 10-13 of column 3: "The stack is carried on the bed of a trailer hauled by a tractor, the stack being supported over a turntable provided with a hydraulically-operated lifting beam assembly mechanically linked to the rear of the panel."*).

20. Haas et al and Long are analogous art because they are from a similar field of endeavor/problem solving area: turntable-based display. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to mount a turntable system of Haas et al to a trailer as taught by Long et al. The suggestion for doing so would have been to employ the services of a system without having to permanently install the equipment, as suggested by Long et al in lines 14-17 of column 2. Therefore, it would have been obvious to combine Haas et al with Long to obtain the invention specified in claims 4 and 10.

21. **Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haas et al in view of Shin and in further view of U.S. Patent No. 5,323,203 to Maruyama et al (herein referred to as "Maruyama et al").**

22. With regard to claim 9, the combination of Haas et al and Shin meets the limitations of parent claim 8, and Shin discloses a control unit to control the operation of a camera but does not disclose a "wireless transmitter." Maruyama et al discloses a switch that is a "wireless transmitter" which controls the operation of a camera (*lines 10-25 of column 2: "In accordance with the present invention, there is provided a wireless remote control apparatus comprising a receiver unit for use in connection with a camera and an independent transmitter unit...and means for causing the camera to execute predetermined operations in accordance with the code decoded by said decoder."*).

Art Unit: 2671

23. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate a wireless transmitter, as taught by Maruyama et al, to control the camera in the system disclosed by the combination of Haas et al and Shin. The motivation for doing so would have been to physically decouple the camera from the turntable system without loss of communication, allowing the camera to be positioned freely and conveniently. Therefore, it would have been obvious to further modify the combination of Haas et al and Shin with Maruyama et al to obtain the invention specified in claim 9.

Conclusion

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 6,014,099 to Bennett et al discloses capturing images around the axis of rotation of a vehicle. U.S. Patent No. 4,753,173 to James discloses a portable turntable for displaying vehicles. U.S. Patent No. 3,536,214 to Sorg discloses a turntable trailer apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Repko whose telephone number is 571-272-8624. The examiner can normally be reached on Monday through Friday 8:30 am -5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka Chauhan can be reached on 571-272-7782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2671

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMR


ULKA CHAUHAN
SUPERVISORY PATENT EXAMINER